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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,307	06/13/2005	Hitoshi Ishiwatari	34781/US (466570-6)	6017
75149 7590 12/17/2008 Dorsey & Whitney LLP US Bank Center 1420 Fifth Avenue Suite 3400 Seattle, WA 98101-4010				
EXAMINER				
HUYNH, LOUIS K				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
12/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/505,307

**Applicant(s)**

ISHIWATARI ET AL.

**Examiner**

Louis K. Huynh

**Art Unit**

3721

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 16-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 1-8 & 16-30 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 03/28/2008.

***Response to Arguments***

2. Applicant's arguments filed 11/17/2008 have been fully considered but they are not persuasive. Applicant contends that JP'404 (JP-2000103404) does not disclose and/or teach an abnormality detection operation in which a motor is energized so as to rotate in reserve for a predetermined period of time which is sufficiently shorter than a time interval during which medicine is discharged. This is not found persuasive because as the abnormality (jam of medicine) is detected, the motor (61) in the JP'404 is energized to rotate in reverse for a short period of time, no medicine is discharged until the abnormality is resolved; thus JP'404 does disclose the motor (61) being energized to rotate in reverse for a short period of time which is shorter than the interval for a medicine to be discharged between the last successive discharge before jam and the next successive discharge after jam of the medicine. The rejection of the claims is still deemed proper and is maintained.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by JP'404 (JP-2000103404).

Note that JP-2000103404 was published on April 11,2000, which is qualified as prior art under 35 U.S.C. 102(b); US Patent No. 6,349,848 was published on Feb. 26, 2002 and assigned to the same assignee of the present application and thus is not qualified as prior art. US 6,349,848 is a national stage of PCT/JP99/05135 which claims priority to JP-2000103404; therefore, US 6,349,848 will served as an English translation for JP-2000103404.

- With respect to claims 9-13, JP'404 discloses a medicine supply apparatus (1) that meets all of applicant's claimed subject matter; in particular, the apparatus of JP'404 comprises: a plurality of tablet cases (3), each tablet case (3) comprising a container (51) for accommodating medicine tablets, a discharge drum (53) and a drive motor (61); and a controller (76) having means for rotating the motor (61) forward to discharge the medicine tablets and for detecting jam so that when jam does occur, the motor (61) is rotated backward and then rotated forward. Specifically, when the medicine tablets are held and stuck between a discharge port and the discharge drum (53) during a dispensing operation, the motor (61) is locked, and an excess lock current flows; the controller (76) detects a lock state

from the current supplied to the motor (61) by an excess current detection circuit (78); and the controller (76), at the time the lock state occurs, rotates backward the motor (61) for a short period of time to rotate backward the discharge drum (53), and then the motor (61) rotates forward for a period of time to rotate forward the discharge drum (53) (US'848, col. 8, lines 32-42).

- With respect to claim 14, the backward/forward rotating operation is repeated several times until the stuck medicine tablet is dropped, and the controller (76) will return the motor (61) to normal forward rotation again (US'848, col. 8, lines 43-54), the controller (76) monitors each respective motor of each tablet case in turn as the tablet case being moved to discharge medicine.
- With respect to claim 15, the medicine supply apparatus of JP'404 further includes a display (67) for performing an alarm display (US'848, col. 8, lines 55-59).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 12, 2008

/Louis K. Huynh/  
Primary Examiner  
Art Unit 3721